

**CITY OF LONG BEACH
CITY COUNCIL AGENDA**

Bonnie Lowenthal, 1st District
Dan Baker, 2nd District
Frank Colonna, Vice Mayor, 3rd District
Dennis Carroll, 4th District

Gerald R. Miller, City Manager
Larry G. Herrera, City Clerk



Beverly O'Neill, Mayor

**TUESDAY, DECEMBER 23, 2003
COUNCIL CHAMBER, 1:00 P.M.**

Jackie Kell, 5th District
Laura Richardson, 6th District
Tonia Reyes Uranga, 7th District
Rob Webb, 8th District
Val Lerch, 9th District

Robert E. Shannon, City Attorney

FINISHED AGENDA & MINUTES

Call to Order: 1:00 P.M.

Roll Call - Councilmembers Present: Baker, Colonna, Kell,
Reyes Uranga, Webb, Lerch.

Absent: Lowenthal, Carroll, Richardson.

Also Present: Beverly O'Neill, Mayor
Gerald R. Miller, City Manager
Christine Shippey, Deputy City Manager
Robert E. Shannon, City Attorney
Larry G. Herrera, City Clerk
Renae Tyner, Deputy City Clerk

Mayor O'Neill presiding.

Flag Salute – Councilmember Reyes Uranga

Invocation: Pastor Vincent Negrón, Church of God

Denise Jacksy of SPCALA presented a feline for the Pet Adoption Program.

The International Children's Choir performed Christmas songs.

APPROVAL OF MINUTES

ACTION: Approved minutes of December 16, 2003. Colonna/Baker) (6/0 Unanimous)
(Absent: Lowenthal, Carroll, Richardson)

Robert E. Shannon, City Attorney, advised that the only lawsuit discussed by the City Council in closed attorney-client session held on December 23, 2003 which resulted in a final action was the litigation entitled City of Long Beach vs. Moffatt & Nichol Engineers, etc. et al.; that the City Council in closed session authorized the settlement in the amount of \$850,000.

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM CITY CLERK

Opportunity given to first 10 citizens who have submitted speaker cards in writing to the City Clerk to address the City Council on non-agenda items. (Currently limited to three minutes unless extended by City Council.)

John Deats, spoke in support of City Council not adopting the ordinance banning .50 caliber weapons.

Thomas Murphy, spoke regarding graffiti abatement.

Robert Bastian, spoke regarding the settlement of a lawsuit.

Linda Ivers, spoke regarding redevelopment projects in the North Long Beach Project Area.

Harvey Cochran, spoke regarding the Central Project Area.

Marilyn Parker, thanked the City Council for their support of the "Kiss Mas" Program.

NOTICE TO THE PUBLIC

All matters listed under the Consent Calendar are to be considered routine by the City Council and will all be enacted by one motion. There will be no separate discussion of said items unless members of the City Council, staff or the public request specific items be discussed and/or removed from the Consent Calendar for separate action. Requests by the public for separate consideration should be made to the Mayor's Office or City Clerk Department prior to the beginning of the Council meeting.

CONSENT CALENDAR: (1- 11) approved except for Items 1, 4, 5 and 7.

1. DEPARTMENT: CITY CLERK

SUBJECT: Agreement between City of Long Beach and County of Los Angeles for use of County's Voter Information Management System (VIMS). (Doc. 42)

SUGGESTED ACTION:

Approve the agreement for a total amount of \$67,114 to be paid in two installments of \$33,357 over a period of two years; and

Authorize City Manager to execute contract with County of Los Angeles to provide access to the Voter Information Management System through the 2006 Election Cycle.

ACTION: As recommended. (Colonna/Richardson) (7/0 Unanimous)
(Absent: Lowenthal, Webb)

2. DEPARTMENT: CITY CLERK

SUBJECT: Claims for Damages. (Docs. 3-25)

SUGGESTED ACTION:

Refer to City Attorney the damage claims received between December 11 and December 18, 2003.

ACTION: As recommended. (Baker/Colonna) (8/0 Unanimous) (Absent: Lowenthal)

3. DEPARTMENT: CITY MANAGER AND CITY AUDITOR

SUBJECT: Independent review of the business relationship between the City of Long Beach and Queen's Seaport Development, Inc. (Doc. 26)

SUGGESTED ACTION:

Authorize City Manager to enter into a contract with The Staubach Company for an estimated amount of \$20,000, for Phase 1 of the project.

ACTION: As recommended. (Baker/Colonna) (8/0 Unanimous) (Absent: Lowenthal)

4. DEPARTMENT: CITY MANAGER

SUBJECT: Contract for Federal Legislative Advocacy Services. (Citywide) (Doc. 43)

SUGGESTED ACTION:

Authorize City Manager to execute contract with E. Del Smith and Company in the amount of \$223,360 for a period of one year.

ACTION: As recommended. (Colonna/Webb) (8/0 Unanimous) (Absent: Lowenthal)

5. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Agreement with Public Financial Management, Inc., for Investment Consulting Services. (Citywide) (Doc. 44)

SUGGESTED ACTION:

Authorize City Manager to execute agreement for a 12-month period, for an amount not to exceed \$300,000; and

ACTION: As recommended. (Webb/Carroll) (8/0 Unanimous) (Absent: Lowenthal)

6. DEPARTMENT: LAW

SUBJECT: Stipulations with Requests for Awards. (Docs. 27-30)

SUGGESTED ACTION:

Authorize City Attorney to submit for approval by Workers' Compensation Appeals Board, and if so approved, authority to pay \$16,277.50 and \$10,060 in compliance with Appeals Board order for claims of Edward Cavanaugh; \$45,262.50 for claim of David C. Handy; \$125,000 for claim of John Patrick Highfill deceased, by and through his widow, Eleanor Highfill; and \$58,862.50 for claim of Elmira Piper.

ACTION: As recommended. (Baker/Colonna) (8/0 Unanimous) (Absent: Lowenthal)

7. DEPARTMENT: LAW

SUBJECT: First Amendment to Contract No. 28269 with the law firm of Kaiser & Swindells to provide legal services in connection with handling of "Pitchess" motions. (Doc. 45)

SUGGESTED ACTION:

Authorize City Manager to execute amendment to increase total amount of contract by an additional \$100,000.

ACTION: As recommended. (Kell/Colonna) (8/0 Unanimous) (Absent: Lowenthal)

8. DEPARTMENT: LAW

SUBJECT: Lawsuit of Meng Chheng, etc. v. Timothy Crain Bonner, City of Long Beach, et al.

SUGGESTED ACTION:

Authorize City Attorney to pay sum of \$5,500 in full settlement.

ACTION: As recommended. (Baker/Colonna) (8/0 Unanimous) (Absent: Lowenthal)

9. DEPARTMENT: POLICE

SUBJECT: Alcoholic Beverage License Applications person-to-person transfers.

- A. Application of La Kim and Kuy Lieng Te, dba KD Restaurant, for a person-to-person transfer of an on-sale beer and wine for bonafide eating place license at 649 Long Beach Boulevard. (District 1) (Doc. 32)
- B. Application of Gourmet Properties LLC, dba Club 49, for a stock ownership transfer of an on-sale beer and wine for bonafide eating place license at 49 South Pine Avenue. (District 2) (Doc. 33)
- C. Application of 7 Eleven Incorporated, dba 7 Eleven, for a person-to-person transfer of an off-sale beer and wine license at 152 Pine Avenue. (District 2) (Doc. 34)
- D. Application of Lyens Foods Inc., dba The Original Park Pantry, for a person-to-person transfer of an on-sale beer and wine for bonafide eating place license at 2104 East Broadway. (District 3) (Doc. 35)
- E. Application of Tricolore Incorporated, dba Porta Romana, for a person-to-person transfer of an on-sale beer and wine for bonafide eating place license at 5470 East 2nd Street, Units E-F. (District 3) (Doc. 36)
- F. Application of Deena Patel and Dharmeshkumar Mohanlal Patel, dba Wingstop, for a person-to-person transfer of an on-sale beer and wine for bonafide eating place license at 2000 Long Beach Boulevard A. (District 6) (Docs. 37-38)
- G. Application of Linda Turlao Littlefield and Eric Joseph Sviatek, dba Linda Lee's Baracuda, for a person-to-person transfer of an on-sale beer and wine for public premises license at 2368 Santa Fe Avenue. (District 7) (Doc. 39)

SUGGESTED ACTION:

Receive and file with existing conditions.

ACTION: As recommended and requested City Clerk to transmit conditions to Department of Alcoholic Beverage Control for Item 9-F. (Baker/Colonna) (8/0 Unanimous) (Absent: Lowenthal)

10. DEPARTMENT: POLICE

SUBJECT: Participation in Countywide Driving Under the Influence Task Force
"Operation Teen Team" in cooperation with the California Office of Traffic
Safety and the Claremont Police Department. (Citywide) (Doc. 40)

SUGGESTED ACTION:

Authorize City Manager to execute the agreement and any subsequent amendments between the City of Long Beach and Claremont Police Department for participation of two motor officers, on an overtime basis, in a countywide driving under the influence task force to conclude on March 31, 2005 unless terminated by either party after giving at least 30 days written notice.

Increase appropriations in the General Fund (GP) and in the Police Department (PD) by \$4,550 for FY 04.

ACTION: As recommended. (Baker/Colonna) (8/0 Unanimous) (Absent: Lowenthal)

11. DEPARTMENT: VARIOUS

SUBJECT: Minutes for filing: (Doc. 41)

Harbor Commission, December 8, 2003

SUGGESTED ACTION:

Receive and file.

ACTION: As recommended. (Baker/Colonna) (8/0 Unanimous) (Absent: Lowenthal)

SUGGESTED ACTION: CONCUR IN RECOMMENDATIONS ON CONSENT CALENDAR.

REGULAR AGENDA

DEPARTMENTAL COMMUNICATIONS:

12. OFFICE: MAYOR BEVERLY O'NEILL

SUBJECT: Reappointments of Kevin P. McGuan and William C. Barnes to the California State University Headquarters Building Joint Powers Authority; appointment of Diane E. Ripley to the Human Relations Commission; appointment of James C. Dok to the Public Safety Advisory Commission; and appointment of Barbara Jean Bolin to the Senior Citizens Advisory Commission. (Doc. 46)

SUGGESTED ACTION:

Confirm appointments and reappointments.

ACTION: As recommended. (Baker/Kell) (8/0 Unanimous) (Absent: Lowenthal)

13. COUNCIL OFFICE: COUNCILMEMBER DENNIS CARROLL, FOURTH DISTRICT
COUNCILWOMAN JACKIE KELL, FIFTH DISTRICT

SUBJECT: Resolution setting forth and adopting a policy of "No Airport Expansion" beyond that provided for by the provisions of the City's current noise compatibility ordinance regulating air carrier traffic at the Long Beach Municipal Airport. (Doc. 47)

SUGGESTED ACTION:

Adopt Resolution.

ACTION: Adopted Resolution No. C-28306 as amended. (Carroll/Kell) (8/0 Unanimous)
(Absent: Lowenthal)

14. COUNCIL OFFICE: COUNCILWOMAN LAURA RICHARDSON, SIXTH DISTRICT

SUBJECT: Feasibility study of a Central Police Station. (Doc. 48)

SUGGESTED ACTION:

Request City Manager to investigate the feasibility of building a new full service Central Police Station.

ACTION: Requested City Manager to investigate the feasibility of building a new full service Central Police Station, East Police Station and South Police Station and report back to City Council within 120 days. (Richardson/Carroll)
(7/0 Unanimous) (Absent: Lowenthal, Baker)

15. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Specifications No. PA-02703 and award contracts to Environmental Assessment & Remediation Management, Inc., Vision's West, and New Vision Construction, for lead-based paint removal and control. (Citywide) (Doc. 49)

SUGGESTED ACTION:

Adopt Specifications and award contracts for a combined total amount of the grant for \$1,177,408 for a term of one year, or until all grant funds are expended, with the option for two additional one-year periods; and

Authorize amendments to exercise the City's option to renew where noted and authorize the City Manager to execute same.

ACTION: As recommended. (Colonna/Carroll) (6/0 Unanimous)
(Absent: Lowenthal, Baker, Reyes Uranga)

16. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Specifications No. PA-00404 and award contract to United Pacific Services, Inc., for grounds and landscape maintenance services in the Queensway Bay Area. (District 2) (Doc. 50)

SUGGESTED ACTION:

Adopt Specifications in the annual estimated amount of \$479,772 for one year, with options for three additional one-year periods; and

Authorize amendments to exercise the City's option to renew where noted and authorize the City Manager to execute same.

ACTION: As recommended. (Webb/Colonna) (7/0 Unanimous)
(Absent: Lowenthal, Lerch)

17. DEPARTMENT: TECHNOLOGY SERVICES

SUBJECT: Launch of streaming video of past City Council meetings accessible from City website. (Doc. 51)

SUGGESTED ACTION:

Receive and file.

ACTION: As recommended. (Carroll/Baker) (8/0 Unanimous) (Absent: Lowenthal)

RESOLUTIONS:

18. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Resolution approving changes in the maximum income levels for exemption from utility users tax for senior citizens and disabled low income individuals pursuant to Long Beach Municipal Code Section 3.68.080. (Citywide) (Doc. 52)

SUGGESTED ACTION:

Adopt resolution.

ACTION: Adopted Resolution No. C28307. (Colonna/Baker) (7/0 Unanimous)
(Absent: Lowenthal, Reyes Uranga)

19. DEPARTMENT: HARBOR

SUBJECT: Resolution approving the compensation prescribed for the officers and employees in the Harbor Department. (Doc. 53)

SUGGESTED ACTION:

Adopt resolution approving the FY 2003-04 Harbor Department Salary Resolution.

ACTION: Adopted Resolution No. C28308. (Baker/Webb) (8/0 Unanimous)
(Absent: Lowenthal)

20. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Resolution confirming, readopting and amending previously adopted provisions, creating and establishing positions of employment, and fixing and prescribing the compensation for the officers and employees of the City of Long Beach; and rescinding Resolution No. C-28113 of the City Council relating thereto. (Citywide) (Doc. 54)

SUGGESTED ACTION:

Adopt the amended Salary Resolution for Fiscal Year 2004.

ACTION: Adopted Resolution No. C28309. (Baker/Colonna) (8/0 Unanimous)
(Absent: Lowenthal)

21. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Resolution approving Memoranda of Understandings with the Long Beach Firefighters Association and the Long Beach Lifeguard Association, authorizing and directing the City Manager to execute such Memoranda of Understandings and directing certain implementing and related actions. (Doc. 55)

SUGGESTED ACTION:

Adopt Resolution allowing the negotiated compensation matters to be implemented on the effective date set forth in the Memoranda of Understanding with the Long Beach Firefighters Association and Long Beach Lifeguard Association.

Adopt attached Memoranda of Understanding.

ACTION: Adopted Resolution No. C28310 and adopted Memoranda of Understanding. (Kell/Baker) (7/0 Unanimous) (Absent: Lowenthal, Reyes Uranga)

22. DEPARTMENT: PARKS, RECREATION AND MARINE

SUBJECT: Resolution authorizing the City Manager to file a loan application for funds in the amount of \$92,572,500 from the California Department of Boating and Waterways for the refurbishment of the Long Beach Shoreline Marina, Rainbow Marina, and the Alamitos Bay Marina, Basins 1, 2, 3, and 4. (Districts 2,3) (Doc. 56)

SUGGESTED ACTION:

Adopt Resolution authorizing the City Manager to combine previously approved loan applications totaling \$92,572,500 from the State of California, Department of Boating and Waterways, to complete the rebuilds of the Long Beach Shoreline Marina, the Rainbow Marina, and the Alamitos Bay Marina, Basins 1, 2, 3, and 4.

As the loans are approved, authorize the City Manager to enter into an agreement with the State of California, Department of Boating and Waterways, to accept the funds, and to execute, implement, award, and administer the loan agreement, including the execution of any documents necessary for the implementation and administration of the project.

ACTION: Adopted Resolution No. C28311 and as recommended. (Baker/Colonna) (7/0 Unanimous) (Absent: Lowenthal, Carroll)

23. DEPARTMENT: WATER

SUBJECT: Resolution approving the compensation fixed by the Board of Water Commissioners of the City for officers and employees in the Water Department. (Doc. 57)

SUGGESTED ACTION:

Adopt resolution approving compensation for 2003-2004.

ACTION: Adopted Resolution No. C28312. (Colonna/Reyes Uranga) (8/0 Unanimous)
(Absent: Lowenthal)

ORDINANCES:

24. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Ordinance adopting an amendment to Ordinance No. C-6496, adopted July 5, 1988, and amended on January 24, 1989, July 11, 1989, December 5, 1989, March 20, 1990, July 3, 1990, September 18, 1990, July 2, 1991, July 7, 1992, January 26, 1993, August 24, 1993, June 28, 1994, July 18, 1995, November 28, 1995, October 1, 1996, March 25, 1997, October 7, 1997, October 27, 1998, April 20, 1999, October 19, 1999, October 17, 2000, October 30, 2001, March 19, 2002, and November 26, 2002, relating to departmental organization of the City of Long Beach. (Doc. 58)

SUGGESTED ACTION:

Declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading.

ACTION: As recommended. (Baker/Colonna) (8/0 Unanimous) (Absent: Lowenthal)

25. DEPARTMENT: PLANNING AND BUILDING AND PARKS, RECREATION AND MARINE

SUBJECT: Ordinance setting aside and dedicating in perpetuity certain lands owned by the City of Long Beach for public park purposes and uses; and designating in perpetuity for park purposes and uses certain sites within the Tidelands Trust boundaries. (Citywide)

SUGGESTED ACTION:

Declare ordinance read and adopted as read.

ACTION: Adopted Ordinance No. C-7894. (Carroll/Lowenthal) (8/0 Unanimous)
(Absent: Lowenthal)

26. DEPARTMENT: PLANNING AND BUILDING AND PARKS, RECREATION AND MARINE
SUBJECT: Ordinance amending the Long Beach Municipal Code by adding Section 21.35.010; and by adding Table 35-2, relating to dedicating and designating parks in perpetuity. (Citywide)

SUGGESTED ACTION:

Declare ordinance read and adopted as read.

ACTION: Adopted Ordinance No. C-7895. (Carroll/Colonna) (8/0 Unanimous)
(Absent: Lowenthal)

27. DEPARTMENT: LAW

SUBJECT: Ordinance amending Long Beach Municipal Code by adding District Z to Section 10.32.110 creating a new preferential parking district. (District 4)

SUGGESTED ACTION:

Declare ordinance read and adopted as read.

ACTION: Adopted Ordinance No. C-7896. (Carroll/Colonna) (8/0 Unanimous)
(Absent: Lowenthal)

NEW BUSINESS:

28. Affidavit of Service for meetings of December 23, 2003. (Docs. 1-2)

ACTION: Received and made a part of the permanent record.

29.

30.

PUBLIC: IMMEDIATELY PRIOR TO ADJOURNMENT

Opportunity given to citizens to address the City Council on non-agenda items who have not already addressed the City Council on non-agenda items. (Currently limited to three minutes unless extended by City Council.)

Councilmembers announced various community events.

Councilmember Baker requested that the City Council meeting adjourn in memory of Connie Fáure.

Summer Hansen, spoke regarding the upcoming Children's Day event.

Adjournment: 4:17 P.M.

REMINDERS:

January 6, 2004, Hearing on application of Koo's Art Café, dba Koo's Art Center for a Permit for Entertainment without dancing at 540 E. Broadway. (District 2)

January 6, 2004, Hearing on application of Guadalupe Perez, dba Mariscos Brite Spot, for a Permit for Entertainment without dancing at 1616 E. Anaheim Street. (District 2)

NOTE: An agenda may be obtained from the City Clerk Department prior to the meeting or can be mailed if the City Clerk is provided self-addressed, stamped envelopes mailed to: City Clerk Dept., City Hall Plaza Level, 333 W. Ocean Blvd., Long Beach, CA 90802. You may view the agenda or documents on the Internet at **www.longbeach.gov**. E-Mail correspondence can be directed to **cityclerk@longbeach.gov**. Agenda items may be reviewed in the City Clerk Department or the Government Publications Section of the Main Library and at Branch Libraries. Communicate through the Telephone Device for the Deaf (TDD) at (562) 570-6626. If a special accommodation is desired pursuant to the Americans with Disabilities Act, or if you need the agenda provided in an alternate format, please phone Renae Tyner at (562) 570-6472 in the City Clerk Department. Inquire at the City Council Chamber Audio-Visual Room for an assistive listening device.